

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:08CR209
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM AND ORDER
)	
JAYNE WEBER,)	
)	
Defendant.)	

This matter is before the Court on the Defendant's motion for leave to hire an expert (Filing No. 36).

The Defendant pleaded guilty to Count I of the Indictment charging her with a violation of 18 U.S.C. § 1343. Defense counsel is retained. The Defendant's request is made in light of the government's assertion of the loss amount and the Defendant's right, reserved in the plea agreement, to contest this amount. The government asserts that the loss amount for guideline and restitution purposes is approximately \$500,000. (Filing No. 23.)

A form entitled CJA 21 was submitted to Magistrate Judge Gossett with a letter request. However, the Defendant and defense counsel must adhere to 18 U.S.C. § 3006A(e)(1) and CJA Guidelines Ch. III, Part A, Section 3.01 (CJA Guideline § 3.01). Section 3006A(e)(1) requires that counsel "for a person who is financially unable to obtain" services may request funds to obtain them. Requirement for a person represented by retained counsel to obtain access CJA funds are set forth in CJA Guideline § 3.01. The Defendant may satisfy the requirements of § 3006A(e)(1) and CJA Guideline § 3.01 by affidavit. The motion is denied without prejudice.

IT IS ORDERED that the Defendant's motion for leave to hire an expert (Filing No. 36) is denied without prejudice.

DATED this 10th day of November, 2008.

BY THE COURT:

S/Laurie Smith Camp
United States District Judge